

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT Chattanooga

FILED

DEC 12 2024

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

Charlotte Holmes,
Memphis,
Memphis

Name of plaintiff (s))
v.)
Hamilton County Sheriff's Office)
Sheriff Austin Garrett)
Unk John Doe Correctional Officers
Name of defendant (s))

Case No. 1-24-CV-386
(to be assigned by Clerk)

COMPLAINT

1. A short and plain statement of the grounds for filing this case in federal court (include federal statutes and/or U.S. Constitutional provisions, if you know them):

42 USC
1983
Failure to Supervise

14th Amendment

Violation of Official Policy

Indifference to medical needs, cruel and unusual punishment

2. Plaintiff, Charlotte Holmes resides at

2850 Heber Ave, Memphis
street address city

Shelby, TN, 38114 901-428-9398
county state zip code telephone number

(if more than one plaintiff, provide the same information for each plaintiff below)

Sheriff Austin Garrett
Unk John Doe Correctional Officers

3. Defendant, Hamilton County Sheriff et/Al lives at, or its business is located at
625 Georgia Ave 244 courthouse Chattanooga,
street address Hamilton, state TN, city 37402, zip code 37402.
county

(if more than one defendant, provide the same information for each defendant below)

4. Short and plain statement of your claim (state as briefly as possible the facts of your case and how each defendant is involved. You may use additional paper if necessary):

see sheet

1. On December 13, 2023, at approximately 9:30, I was arrested by the Chattanooga Police Department on several charges. These charges consisted of resisting arrest, false report, obstruction of justice, assault on a law enforcement officer, disorderly conduct, improper registration and driving left of the center's lane. During the night on a few occasions, I told two Hamilton County Correctional Officers that I needed medical attention because I could have a possible broken ankle. The first time I was told by an unknown deputy that the other deputy was busy tending to an emergency. When I tried a second time, in an hour or so, Deputy Peich informed me that he would have medical come and look at me. As Deputy Peich was leaving for the day, I reminded him again and he said that the next shift would call the medical staff.
2. On or around September, 2024, I would speak to a Lieutenant Robin Langford by phone and he stated to me that the jail was not a walk-in clinic and they did not have an obligation to provide medical care to me because I was only a pre-trial detainee. He stated that those services were reserved for convicted offenders or those detainees who would be held for several weeks, months or years under trial.
3. The US Supreme Court has stated that Sheriff Departments are mandated to provide medical care to a pre-trial detainee. I suffered from the deliberate indifference of county personnel when they failed to provide constitutional required medical care to me. The Fourteenth Amendment's of the Constitution substantive due process clause guarantees this right.
4. The HCSO were indifferent to my serious medical needs by:
 - they ignored obvious conditions,
 - They fail to provide treatment for diagnosed conditions
 - They failed to investigate enough to make an informed judgment
 - Delaying treatment

5. There is no dispute that a broken bone is a serious medical need.. And it is essential to get treatment as soon as possible. Although this Court is under the 6th Circuit, The 11th Circuit says that a six hour delay for a broken foot is sufficient for a deliberate indifference claim. From the time I was arrested at 9:30pm on December 13 until I went to Erlanger East after I was released the next day at 9 or 9:30 am; **it was about 12 hours that I did not receive any medical attention for my broken foot which is a sufficient delay.**
6. It was also cruel and unusual punishment for the HCSO to not give me any medical attention for my serious medical need.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiff pray for the following relief:

- That process issue;
- That a jury be impaneled to hear the controversy before this Court;
- That the Plaintiff be awarded all of the Constitutional violations, compensatory and actual damages in the amount not less than ~~Three million dollars~~ ^{Seven hundred and fifty thousand} ~~750,000~~ ^{750,000} (\$3,000,000);
- That punitive damages be awarded against the Defendants in the amount of ~~Five- One~~ ^{1,000,000} Million Dollars ~~(\$5,000,000)~~;
- That the Court ordered reasonable attorney's fees pursuant to 42 U.S.C. §1983 and 11 U.S.C. §1988, along with any costs and expenses in the prosecution of this action.

I hereby certify under penalty of perjury that the above complaint is true to the best of my information, knowledge and belief.

Signed this 12th day of December, 2024

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